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FILED
 Clerk
 District Court

FEB - 8 2007

For The Northern Mariana Islands
 By _____
 (Deputy Clerk)

Attorneys for the Commonwealth of the
 Northern Mariana Islands Defendants

**THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,)	CIVIL ACTION NO. CV 99-0017
)	
Plaintiff,)	
)	
v.)	QUARTERLY STATUS REPORT
)	FOR THE PERIOD ENDING
COMMONWEALTH OF THE)	FEBRUARY, 2007
NORTHERN MARIANA ISLANDS,)	
GOVERNOR OF THE NORTHERN)	
MARIANA ISLANDS,)	
COMMISSIONER OF THE)	
DEPARTMENT OF PUBLIC)	
SAFETY, SECRETARY OF THE)	
DEPARTMENT OF LABOR AND)	
IMMIGRATION, SECRETARY OF)	
THE DEPARTMENT OF)	
COMMUNITY AND CULTURAL)	
AFFAIRS,)	
)	
Defendants.)	
)	

Background

[1] The Consent Decree requires the Defendants to periodically transmit status reports. The Court Order of March 26, 2003 specified that status reports be filed, beginning on July 1, 2003 on a quarterly basis. Quarterly reports for the period ending July 1, 2003, October 1, 2003, January 1, 2004, May 1, 2004, July 1, 2004, October 1, 2004, January 1, 2005, April 1, 2005,

July 1, 2005, October 1, 2005, January 1, 2006, April 1, 2006, July 1, 2006, October 1, 2006 were timely filed with the Court and US Department of Justice.

History and Progress

[2] The Consent Decree was executed on February 25, 1999. Following a period of nearly four years, the parties reviewed the status of the Consent Decree. Concerns arose about the focus and reporting of compliance efforts. To address these concerns and improve future performance, the Commonwealth proposed a change in reporting from reporting once every six months to once per quarter.

[3] The old juvenile detention facility has been closed and the new Kagman Facility opened for operations in the spring of 2004¹. It has consistently operated in substantial compliance with provisions of the Consent Decree. The population has generally averaged about 7 juveniles per day, substantially below the facility's rated capacity of 40.

[4] A new adult correctional facility has been constructed at an investment of approximately \$23M. It is now substantially completed. Occupancy is planned for June 1, 2007².

Current Quarterly Report

[5] During this quarter, the Commonwealth continued³ work on the range of issues related to the Consent Decree: existing prison operations, transition to new prison facility, juvenile facility operations, VOI-TIS grant management to address needed renovation at the Rota Detention Facility and Tinian Detention Facility.

¹ Notwithstanding substantial compliance of the Kagman Facility for a period in excess of one year, the current plan of the Commonwealth is to seek overall closure of the Consent Decree after the new prison is fully operational.

² The June 1, 2007 date was identified at a January 30, 2007 meeting with DOC Secretary Lino Tenorio, DOC Director Gregory F. Castro, DOC Assistant Director Juan M. Ayuyu, CNMI Budget Director Tony Muna.

³ Weekly meetings of the Prison Working Group have been discontinued due to the assignment of the Consent Decree Coordinator to the Criminal Division and resulting Court appearances that make scheduled meetings very difficult to schedule. In its place, ad hoc meetings are being held as needed. Quarterly reporting and review systems remain in place.

[6] During this quarter, the Governor appointed Lino Tenorio as the Secretary of Corrections. Mr. Tenorio has been confirmed by the CNMI Senate. He has become the first confirmed Secretary of the Department of Corrections since its inception in August, 2004.

[7] During this quarter, Jerome Ierome assumed responsibilities as the Executive Director of the CNMI Criminal Justice Planning Agency (CJPA).

Department of Corrections⁴

[8] The population of the Department of Corrections has maintained previous declines and has maintained a typical population of approximately 120 during the quarter.

[9] On January 30, 2007 the DOC staffing plan was reviewed to ensure that fiscal support will ensure that the staffing level will be at least equal to that identified in the October, 2005 plan. Recruitment and training of new staff is now in process.

[10] The memorandum of agreement between the Department of Corrections and the Department of Public Health is in the early stage of implementation. DPH Secretary Joseph K. Villagomez has engaged directly in coordination of services between the two departments. Needs assessment and coordination logistics are under review. The next status review is scheduled for February 26, 2007.

Division of Youth Services⁵

[11] The population housed in the Kagman Facility continues to average 6 or 7⁶. Overall, the facility continues to operate in substantial compliance with requirements of the Consent Decree⁷.

⁴ Information on the Department of Corrections is attached hereto.

⁵ Information on the Division of Youth Services is attached hereto.

⁶ There are periodic weekend arrests that result in an increase to 15 – 17. However, the juveniles involved are typically released from custody in a matter of a day or two and do not remain within the Kagman Facility.

⁷ During this quarter, an individual sought entry to the Kagman Facility indicating to the Acting Administrator of the Division of Youth Services that he was a “Consent Decree Inspector” and would notify “the feds” of problems.

[12] The Division of Youth Services is seeking to better make use this \$5M facility. Possible use of Building "B" as a half way house is under review. Prior to any occupancy, coordination with the US Department of Justice will occur as was previously done when Building "B" was used to house immigration detainees.

VOI-TIS GRANT / RENOVATION OF ROTA AND TINIAN FACILITIES

[13] A contract award⁸ to renovate the Rota Detention Facility and the Tinian Detention Facility was issued during the quarter. Project status and progress information will be obtained from the Department of Public Works. Coordination with the US Department of Justice will continue on an ongoing basis.

CONCLUSION

[14] Information related to facility operations during this reporting period is attached. The CNMI intends to continue its progress and efforts to maintain and improve compliance with the Consent Decree and, at an appropriate time, seek closure of the case.

Respectfully submitted,



Edward T. Buckingham
Consent Decree Coordinator / Attorney for Defendants

Review of this entry found that the individual is an employee of Northern Marianas Protection and Advocacy Systems, Inc. (NMPASI). A letter from Attorney General Matthew T. Gregory to the NMPASI Board of Directors was sent to review this matter and ensure that a similar occurrence does not happen in the future.

⁸ Two contracts were issued. However, they were each issued to the same general contractor. The Acting DOC Secretary Ramon C. Mafnas specifically noted that his sign-off was based on

Certificate of Service

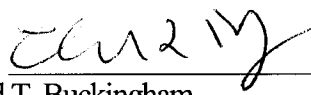
The undersigned hereby certifies that the US Postal Service sent a true and correct copy of this STATUS REPORT including all attached exhibits to the following:

Laura L. Coon, Trial Attorney
Special Litigation Section – PHB
950 Pennsylvania Avenue N.W.
Washington, DC 20530

DATED:

8 3 10 27
February 5, 2007

By:


Edward T. Buckingham